

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2470 to amendment No. 2469.

The amendment is as follows:

At the end, add the following new section:

SEC. \_\_\_\_.

This Act shall become effective 7 days after enactment.

AMENDMENT NO. 2471

Mr. REID. Mr. President, I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 2471 to the language proposed to be stricken by amendment No. 2468.

The amendment is as follows:

At the end, add the following new section:

SEC. \_\_\_\_.

This title shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2472 TO AMENDMENT NO. 2471

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2472 to amendment No. 2471.

The amendment is as follows:

At the end, strike "5 days" and insert "4 days".

MOTION TO RECOMMIT WITH AMENDMENT NO. 2473

Mr. REID. Mr. President, I have a motion to recommit the bill with instructions, which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill, S. 1940, to the Committee on Banking, Housing, and Urban Affairs with instructions to report back forthwith with an amendment numbered 2473.

The amendment is as follows:

At the end, add the following new section:

SEC. \_\_\_\_.

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2474

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2474 to the instructions of the motion to recommit S. 1940.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2475 TO AMENDMENT NO. 2474

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2475 to amendment No. 2474.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

#### SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 341, S. 2237.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 341, S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana.

#### FLOOD INSURANCE

Mr. TESTER. Mr. President, I rise in support of a bill we will take up soon to reauthorize the Flood Insurance Program. Nine months ago the Senate Banking Committee passed long-term flood insurance reauthorization with overwhelming bipartisan support. Five months ago Senator VITTER and I, along with 39 Members of this body, wrote our leadership urging that the bill be brought to the floor, but today, this week, we will finally consider this much needed piece of legislation, and I thank Senator REID for his willingness to bring it to the Senate floor.

I want to first and foremost thank Chairman JOHNSON and Ranking Member SHELBY for their excellent work in drafting this bill. I commend them for their efforts to build consensus on this important piece of legislation.

I thank my colleague Senator VITTER for his leadership and partnership in working with me to help influence this bill in a way that reflects broad bipartisan support. Together we added a number of provisions to improve the initial draft. These provisions include one that addresses a critical issue in my State.

When this bill is passed, the Army Corps of Engineers and FEMA will fi-

nally have to work together to develop common standards that will allow existing Corps levee inspections to meet FEMA certification criteria.

We also lengthened the phase-in period for homeowners who must purchase flood insurance for the first time as a result of being mapped into a floodplain, so that as changes to the maps occur, folks are not forced immediately into high-priced premiums.

This bill takes important steps to more closely align risks with premiums. It makes changes to protect taxpayers, and it puts the program on a more solid financial ground.

The House and Senate have never produced two flood insurance bills as closely aligned as the bills we have before us, and I am not sure we have ever had the same strong broad support we have now from homeowners, realtors, insurers, state insurance regulators, and environmental groups. That is a real testament to my colleagues on the Banking Committee, and I look forward to finally sending a long-term reauthorization and reform bill to the President's desk for his signature.

Unfortunately, we have seen the consequences of reauthorizing this program on a short-term basis, and we have seen the consequences of letting this program lapse. We have been down that road before and have seen how unproductive and destructive lapses can be. Past lapses in the program created uncertainty for homeowners and created significant burdens for those participating in the Flood Insurance Program. When the program lapsed in 2010, about 1,400 home sales were canceled each day during those 53 days the program lapsed. At a time when the housing market is still fragile, this is something we cannot afford.

For me this is an issue that hits home. The unprecedented flooding in the Missouri River basin last year, which affected folks throughout central and eastern Montana, particularly in Musselshell and Carbon Counties, clearly demonstrates the need for reauthorization and for reforms to ensure that levees are certified properly and efficiently.

I also care deeply about this program because in addition to protecting Montana homeowners, there are jobs tied directly to the Flood Insurance Program. In Kalispell, MT, two of the national servicing organizations employ over 500 people—jobs that could be put in jeopardy without a long-term agreement.

We must offer Americans certainty in the face of risk. Now, at long last, comprehensive, bipartisan, long-term reauthorization of the National Flood Insurance Program is within reach. Let's quickly act to provide security and piece of mind to the 6 million Americans who rely on the National Flood Insurance Program.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to S. 3187, the FDA Safety and Innovation Act.

Harry Reid, Tom Harkin, Sheldon Whitehouse, Kent Conrad, Jack Reed, Christopher A. Coons, Mark Begich, John F. Kerry, Charles E. Schumer, Barbara A. Mikulski, Benjamin L. Cardin, Robert Menendez, Joseph I. Lieberman, Mary L. Landrieu, Richard Blumenthal, Patty Murray, Tom Carper.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. KYL), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 89, nays 3, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—89

Akaka	Feinstein	Menendez
Alexander	Franken	Merkley
Ayotte	Gillibrand	Mikulski
Barrasso	Graham	Moran
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Cantwell	Johnson (SD)	Schumer
Cardin	Johnson (WI)	Sessions
Carper	Kerry	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Stabenow
Coats	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Toomey
Conrad	Lee	Udall (NM)
Coons	Levin	Vitter
Corker	Lieberman	Warner
Cornyn	Lugar	Webb
Crapo	Manchin	Whitehouse
DeMint	McCain	Wicker
Durbin	McCaskill	Wyden
Enzi	McConnell	

NAYS—3

Burr	Paul	Sanders
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NOT VOTING—8

Coburn	Kyl	Shaheen
Hatch	Murkowski	Udall (CO)
Kirk	Rubio	

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. GRASSLEY. Mr. President, 2 years ago a constituent of mine named David Rozga committed suicide shortly after smoking a product called K2—a synthetic form of marijuana.

A week before he passed away David had graduated from Indianola High School.

He was looking forward to attending my alma mater, the University of Northern Iowa, that fall.

David and his friends spent the week after graduation going to parties and celebrating their achievements.

Some of David's friends heard about K2 from some other friends who were home from college.

They were told that if you smoked this product like marijuana you could get a high.

David and his friends were about to go to a concert and thought smoking K2 before would be nothing but harmless fun.

However, shortly after smoking K2, David became highly agitated and terrified.

His friends tried to calm him down and once he appeared calmer he decided to go home instead of going out with them.

Tragically, David took his own life shortly after returning home—only about 90 minutes after smoking K2 for the first time.

The only chemicals in his system at the time of his death were those that comprised K2.

David's tragic death is one of the first in what has been a rapidly growing drug abuse trend.

In the past 2 years, the availability and popularity of synthetic drugs like K2, Spice, Bath Salts, and 2C-E has exploded.

These drugs are labeled and disguised as legitimate products to circumvent the law.

They are easily purchased online, at gas stations, in shopping malls and in other novelty stores.

Poison control centers and emergency rooms around the country are reporting skyrocketing cases of calls and visits resulting from synthetic drug use.

The physical effects associated with this use include increased agitation, elevated heart rate and blood pressure, hallucinations, and seizures.

A number of people across the country have acted violently while under the influence of the drug, dying or injuring themselves and others.

Just a few weeks ago a man in Miami, Florida attacked a homeless man and ate nearly half his face before police had to shoot him to stop him.

Two weeks ago, police in upstate New York tazered a woman who was choking her 3-year-old son after smoking bath salts.

These ongoing and mounting tragedies underscore the fact that Congress must take action to stop these drugs from causing further damage to our society.

I introduced the David Mitchell Rozga Act a year ago last March to ban the drugs that comprised K2.

My colleagues Senators SCHUMER, KLOBUCHAR, and PORTMAN have also joined me to ban synthetic drugs including bath salts and 2-CE compounds.

Today our separate bills are included as part of the House and Senate agreement on the FDA User Fee bill we will be voting on shortly.

I thank all who have worked very hard to get my bill, as well as the other bills banning synthetic drugs, through Congress.

I especially want to thank Mike and Jan Rozga and their family for their tireless efforts to prevent more tragedy from befalling other families.

This legislation will drastically help to remove these poisons from the store shelves and protect our children from becoming more victims. I urge my colleagues to support cloture on this bill.

The PRESIDING OFFICER. The Senator from Connecticut.

### NOMINATION OF DONNA MURPHY

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Washington, Senator MURRAY, for yielding to me for a moment to make a unanimous consent request regarding the nomination of Donna Murphy of the District of Columbia to be an associate judge on the DC Superior Court.

This nomination was favorably reported by the Homeland Security and Governmental Affairs Committee on June 29, 2011. That is almost 1 year ago. For that year, this nomination has been stopped from a vote. I come to the